

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----	X	
	:	
DIVANNA ALTAGRACIA NUNEZ RODRIGUEZ-	:	
JIMENEZ MENCIA,	:	
	:	23-CV-5571 (VEC)
Petitioner,	:	
	:	<u>ORDER</u>
-against-	:	
	:	
LUIS CLEY PORTES PAREDES,	:	
Respondent.	:	
-----	X	

VALERIE CAPRONI, United States District Judge:

WHEREAS on August 22, 2023, Petitioner moved for an award of attorneys’ fees and costs, Dkt. 29;

WHEREAS on August 23, 2023, the Court referred this case to Magistrate Judge Moses for the preparation of a report and recommendation (“R&R”) on the fees motion, Dkt. 35;

WHEREAS on January 16, 2024, Magistrate Judge Moses entered an R&R recommending that Petitioner be granted \$19,220.50 in attorneys’ fees and \$402 in costs, Dkt. 42;

WHEREAS on February 14, 2024, Respondent objected to the R&R and submitted new evidence, Dkt. 47;

WHEREAS pursuant to Federal Rule of Civil Procedure 72(b)(3), a “district judge may . . . receive further evidence” in resolving objections;

WHEREAS Respondent submitted copies of various financial records, including bank statements, tax returns, and pay stubs, Resp’t Obj. Exs. 2–4;

WHEREAS Respondent submitted an affidavit stating that he does “not own any real estate, or any investments,” and has “a savings account which has about \$100 in it currently,” Resp’t Obj. Ex. 6 ¶ 18;

WHEREAS Respondent’s bank statements indicate numerous transfers to and from an account ending in 9473, and no records of an account ending in 9473 were provided to the Court; and

WHEREAS Respondent also submitted translated screenshots of messages purportedly between Petitioner and Respondent’s partner, but failed to certify the English translation, Resp’t Obj. Ex. 1; *Gonzalez v. Cheesecake Factory Rests. Inc.*, 2023 WL 2477697, at \*1 (E.D.N.Y. Mar. 13, 2023) (noting that English translations of foreign-language documents must be appropriately certified) (collecting cases).

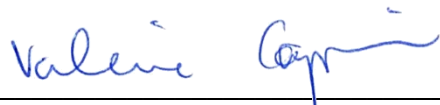
IT IS HEREBY ORDERED that, not later than **Friday, March 1, 2024**, Respondent must submit copies of bank records for the account ending in 9473, as well as records for any other accounts or assets he may own, and a complete statement of expenses and income. Respondent must also submit a sworn statement under penalty of perjury affirming that his submissions represent a complete and accurate picture of his finances.

IT IS FURTHER ORDERED that, not later than **Friday, March 1, 2024**, Respondent must submit a certified translation of the messages in Exhibit 1 to the Objection and a sworn statement under penalty of perjury affirming the accuracy of those messages.

IT IS FURTHER ORDERED that any reply from Petitioner must be filed by **Tuesday, March 5, 2024**.

**SO ORDERED.**

**Date: February 27, 2024**  
**New York, NY**

  
\_\_\_\_\_  
**VALERIE CAPRONI**  
**United States District Judge**